

**Notice of Allowability**

Application No.

09/926,167

Examiner

Brian S Kwon

Applicant(s)

ADAMSON ET AL.

Art Unit

1614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 5/12/04 and Telephonic Interview on 10/12/04.
2. ☒ The allowed claim(s) is/are 64-73.
3. ☒ The drawings filed on 12 May 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 10122004.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anita Nador on 10/12/2004.

The application has been amended as follows:

46-63. (cancelled).

64. A chemical composition having oxygen transporting capability comprising 2,5,7,8-tetramethyl-2-carboxy-chroman-6-ol (Trolox) conjugate of o-raffinose polymerized hemoglobin (PolyOR-Hb), wherein a ratio of Hemoglobin (Hb) to Trolox during a conjugation is at least 1:1; wherein said composition is prepared by the conjugation of Trolox to o-raffinose polymerized hemoglobin under deoxy or carbonmonoxy condition; and wherein said composition provides greater protection of red blood cells (RBCs) against lysis.

65. The composition of claim 64, wherein the hemoglobin is intramolecularly cross-linked.

66. The composition of claim 65, wherein the hemoglobin is intramolecularly cross-linked with oxidized raffinose.

67. The composition of claim 65, wherein the hemoglobin is intramolecularly and intermolecularly cross-linked.

68. The composition of claim 64, wherein the hemoglobin is deoxyhemoglobin.

69. The composition of claim 64, wherein the hemoglobin is carboxyhemoglobin.

70. The composition of claim 64, wherein the Hb:Trolox ratio is 1:1-1:3.7.

71. The composition of claim 64, wherein the Trolox is conjugated to PolyOR-Hb under the deoxy condition to prepare said composition with a P50 of 41 mm Hg.

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72. The composition of claim 64, wherein the Trolox is conjugated to PolyOR-Hb under the deoxy condition to prepare said composition with a P50 of 40 mm Hg.

73. The composition of claim 65, wherein the Trolox is conjugated to PolyOR-Hb under the deoxy condition to prepare said composition with a P50 of 40 mm Hg.

### CONCLUSION

2. Claims 64-73 are allowed.


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581.

The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached on (571) 272-0951. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Brian Kwon  
Patent Examiner  
AU 1614

  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
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